

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:

South Beach Securities, Inc.
an Mississippi corporation,

debtor/debtor-in-possession.)

Case No. 05-16679

Bankruptcy Judge A. Benjamin Goldgar
Chapter 11

NOTICE OF APPEAL

South Beach Securities, Inc., a Mississippi corporation, Debtor/Debtor-in-Possession, ("Debtor"), by and through its attorneys, appeals under 28 U.S.C. Section 158(a)(3) from the Orders entered by Bankruptcy Judge A. Benjamin Goldgar in the underlying Chapter 11 case denying Confirmation of the Debtor's Plan dated November 1, 2007 and entered on the Docket on November 1, 2007. A copy of the Order and Memorandum Opinion from which this Appeal is taken are attached hereto as **Exhibits A and B**.

The names of all parties to the Order appealed from and the names, addresses and telephone numbers of their respective attorneys are as follows:

<u>South Beach Securities, Inc.</u> Scott R. Clar, Esq. Crane, Heyman, Simon, Welch & Clar 135 S. LaSalle St., Suite 3705 Chicago, IL 60603 (312) 641-6777	Gregory J. Jordan Polsinelli Shalton Flanigan Suelthaus PC Two Prudential Plaza 180 N. Stetson Ave., Ste. 4525 Chicago, IL 60601 (312) 819-1900
<u>William T. Neary U.S. Trustee</u> Cameron M. Gulden M. Gretchen Silver United States Trustee's Office 227 W. Monroe St., Ste. 3350 Chicago, IL 60606 (312) 886-3327	Louis D. Bernstein Much Shelist Denenberg Ament & Rubenstein PC 191 N. Wacker Dr., Ste. 1800 Chicago, IL 60606 (312) 521-2100

07CV 6533
JUDGE LEFKOW
MAGISTRATE JUDGE SCHENKIER

FILED
NOV 19 2007
NOV 19, 2007
MICHAEL W. DOBRINS
CLERK, U.S. DISTRICT COURT

NF

Respectfully submitted,

South Beach Securities, Inc.
Debtor/Debtor-in-Possession

BY: /s/Scott R. Clar
One of Its Attorneys

APPELLANT'S COUNSEL:

SCOTT R. CLAR, ESQ.

(Atty. No. 06183741)

CRANE, HEYMAN, SIMON, WELCH & CLAR

135 S. LaSalle St., Suite 3705

Chicago, IL 60603

(312) 641-6777

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United States Bankruptcy Court

NORTHERN DISTRICT OF ILLINOIS
219 S. Dearborn Street
Chicago, IL 60604

Kenneth S. Gardner, Bankruptcy Clerk

Date	<u>November 13, 2007</u>
Case Number	<u>05 B 16679</u>
Case Name	<u>South Beach Securities, Inc</u>
Motion for Leave to Appeal & Notice of Appeal Filed	<u>November 8, 2007</u>

Dear Sir/Madam:

A Notice of Appeal accompanied by a Motion for Leave to Appeal to the United States District Court has been filed pursuant to **Bankruptcy Rule 8003**.

Bankruptcy Rule 8003 requires that within ten (10) days after service of the Motion for Leave to Appeal, an adverse party may file with the Clerk of the United States Bankruptcy Court an answer in opposition.

The Clerk of the United States Bankruptcy Court will transmit, as soon as all parties have filed answers or the time for filing an answer has expired, to the Clerk of the United States District Court:

- Motion for Leave to Appeal
- Notice of Appeal

By Deputy Clerk

Carel Dell Weston



United States Bankruptcy Court

NORTHERN DISTRICT OF ILLINOIS

219 S Dearborn Street

Chicago, IL 60604

Kenneth S. Gardner, Bankruptcy ClerkDate November 19, 2007

Michael Dobbins, Clerk
 United States District Court
 Northern District of Illinois
 219 S Dearborn Street
 Chicago, IL 60604

Case Number

05 B 16679

Case Name

South Beach Securities, Inc

Notice of Appeal Filed

November 8, 2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Appellant

South Beach Securities Inc

Dear Sir:

Pursuant to **Bankruptcy Rule 8007** transmitted herewith is the Record on Appeal. The Record on Appeal consist of:

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☐
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Transmittal Letter and Civil Cover Sheet

Designation

Statement of Issues

Transcript of Proceeding

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Supplemental to the Record

Notice of Appeal

Copy of Documents Designated

Exhibits

Expedited Notice of Appeal

Certified Copy of Docket Sheet

Additional Items Included

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07CV 6533JUDGE LEFKOWMAGISTRATE JUDGE SCHENKIER
☐

Total Volumes Transmitted

The following items will be transmitted as a supplemental to the Record on Appeal

☐

Previous D C Judge

JUDGE JOAN H. LEFKOW**MAGISTRATE JUDGE SCHENKIER**

Case Number

By Deputy Clerk

Carel Dell Weston

07C 6532

REOPENED, APPEAL

**U.S. Bankruptcy Court
Northern District of Illinois (Chicago)
Bankruptcy Petition #: 05-16679
Internal Use Only**

**Assigned to: A. Benjamin Goldgar
Chapter 11
Voluntary
Asset**

**Date Filed: 04/27/2005
Date Reopened:
04/21/2006**

**Debtor
South Beach Securities, Inc.
330 South Wells
Suite No. 718
Chicago, IL 60606
Tax id: 64-0691797**

**represented by Crane Heyman Simon Welch &
Clar
Dannen Crane Heyman & Simon
135 S LaSalle St Ste 1540
Chicago, IL 60603
312-641-6777**

**Louis D Bernstein
Gould & Ratner
222 N LaSalle Street
Suite 800
Chicago, IL 60601
(312) 236 -3003**

**Mark E Leipold
Gould & Ratner
222 N LaSalle Street
Chicago, IL 60601
312 899-1651
Fax : 312 236-3241
Email:
mleipold@gouldratner.com**

**Scott R Clar
Crane Heyman Simon Welch &
Clar
135 S LaSalle Suite 3705
Chicago, IL 60603
312 641-6777
Fax : 312 641-7114
Email: sclar@craneheyman.com**

U.S. Trustee

William T Neary
Office of the U.S. Trustee, Region 11
227 W. Monroe Street
Suite 3350
Chicago, IL 60606
312-886-5785

U.S. Trustee
William T. Neary

represented by **Cameron M Gulden**
Office of The U.S. Trustee
227 West Monroe
Suite 3350
Chicago, IL 60606
312 886-2614
Email:
USTPRegion11.es.ecf@usdoj.gov

Filing Date	#	Docket Text
04/27/2005	1	Chapter 11 Voluntary Petition Fee Amount \$839, Filed by Louis D Bernstein on behalf of South Beach Securities, Inc. (Sirmons, Dornesa) (Entered: 04/27/2005)
04/27/2005	2	Receipt of Chapter 11 Filing Fee - \$839.00 by DO. Receipt Number 03129127. Payment received from Gould & Ratner. (Entered: 04/28/2005)
04/29/2005	3	Meeting of Creditors . 341(a) meeting to be held on 6/2/2005 at 01:30 PM at 227 W Monroe Street, Room 3330, Chicago, Illinois 60606. (McClendon, Annette) (Entered: 04/29/2005)
04/29/2005	4	BNC Certificate of Mailing - Meeting of Creditors. (RE: 3 Meeting of Creditors Chapter 11). No. of Notices: 3. Service Date 05/01/2005. (Admin.) (Entered: 05/01/2005)
06/01/2005	5	Summary of Schedules Filed by Louis D Bernstein on behalf of South Beach Securities, Inc. . (Gomez, Denise) (Entered: 06/02/2005)
06/01/2005	6	Schedules A,B and D-H Filed by Louis D Bernstein on behalf of South Beach Securities, Inc. . (Gomez, Denise) (Entered: 06/02/2005)
06/01/2005	7	Statement of Financial Affairs Filed by Louis D Bernstein on behalf of South Beach Securities, Inc. . (Gomez, Denise)

		(Entered: 06/02/2005)
06/01/2005	● <u>8</u>	Notice of Filing Filed by Louis D Bernstein on behalf of South Beach Securities, Inc. (RE: <u>6</u> Schedules, <u>7</u> Statement of Financial Affairs, <u>5</u> Summary of Schedules). (Gomez, Denise) (Entered: 06/02/2005)
06/01/2005	● <u>9</u>	Notice of Motion and Application to Employ G&R as Attorney Filed by Louis D Bernstein on behalf of South Beach Securities, Inc. . Hearing scheduled for 6/8/2005 at 09:30 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Gomez, Denise) (Entered: 06/02/2005)
06/08/2005	● <u>10</u>	Hearing Continued (RE: <u>9</u> Application to Employ,). Hearing scheduled for 6/15/2005 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Bardliving-Collister, Janice) (Entered: 06/08/2005)
06/09/2005	● <u>11</u>	Amended Notice of Motion and Amended Motion (related document(s): <u>9</u> Application to Employ,) Filed by Louis D Bernstein on behalf of South Beach Securities, Inc. . Hearing scheduled for 6/15/2005 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Gomez, Denise) (Entered: 06/10/2005)
06/13/2005	● <u>12</u>	Request for Service of Notices. Wachovia Securities, LLC c/o Levenfeld Pearlstein, 2 N. LaSalle St., Ste. 1300, Chicago, IL 60602. Filed by Christopher S Griesmeyer on behalf of Wachovia Securities LLC. (Griesmeyer, Christopher) (Entered: 06/13/2005)
06/13/2005	● <u>13</u>	Appearance Filed by Christopher S Griesmeyer on behalf of Wachovia Securities LLC. (Griesmeyer, Christopher) (Entered: 06/13/2005)
06/13/2005	● <u>14</u>	Appearance Filed by Christopher S Griesmeyer on behalf of Wachovia Securities LLC. (Griesmeyer, Christopher) (Entered: 06/13/2005)
06/13/2005	● <u>15</u>	Appearance Filed by Christopher S Griesmeyer on behalf of Wachovia Securities LLC. (Griesmeyer, Christopher) (Entered: 06/13/2005)
06/13/2005	● <u>16</u>	Notice of Motion and Motion to Extend Time File an

		Objection to Employment of Counsel Filed by Christopher S Griesmeyer on behalf of Wachovia Securities LLC. Hearing scheduled for 6/15/2005 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Griesmeyer, Christopher) (Entered: 06/13/2005)
06/14/2005	17	Objection to (related document(s): 16 Motion to Extend Time,) Filed by Mark E Leipold on behalf of South Beach Securities, Inc. (Gomez, Denise) (Entered: 06/15/2005)
06/17/2005	18	Hearing Continued (RE: 11 Amended Motion,). Hearing Scheduled for 07/18/2005 at 10:00 AM at Courtroom 613 219 South Dearborn, Chicago, IL, 60604. (Castaneda,Peter) (Entered: 06/17/2005)
06/15/2005	19	Order Granting Motion to Extend Time until 7/22/2005. (Related Doc # 16). Signed on 6/15/2005. (Gomez, Denise) (Entered: 06/21/2005)
06/22/2005	20	Brief in Opposition to (related document(s): 11 Amended Motion,) Filed by Christopher S Griesmeyer on behalf of Wachovia Securities LLC (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit # 4 Exhibit # 5 Exhibit # 6 Exhibit # 7 Exhibit # 8 Exhibit # 9 Exhibit) (Griesmeyer, Christopher) (Entered: 06/22/2005)
07/11/2005	21	INCORRECT EVENT ENTERED, FILER NOTIFIED TO REFILE Answer in Support to (related document(s): 11 Amended Motion,) Filed by Mark E Leipold on behalf of South Beach Securities, Inc. (Leipold, Mark) Modified on 7/15/2005 (Sims, Mildred). (Entered: 07/11/2005)
07/12/2005	22	Certificate of Service Filed by Mark E Leipold on behalf of South Beach Securities, Inc. (RE: 21 Answer). (Leipold, Mark) (Entered: 07/12/2005)
07/14/2005	23	Response to (related document(s): 11 Amended Motion,) Filed by Mark E Leipold on behalf of South Beach Securities, Inc. (Leipold, Mark) (Entered: 07/14/2005)
07/15/2005	24	CORRECTIVE ENTRY INCORRECT EVENT ENTERED, FILER NOTIFIED TO REFILE (RE: 21 Answer). (Sims, Mildred) (Entered: 07/15/2005)

07/25/2005	●25	Objection to (related document(s): 11 Amended Motion,) Filed by Cameron M Gulden on behalf of Ira Bodenstein (Attachments: # 1 Exhibit A) (Gulden, Cameron) (Entered: 07/25/2005)
07/26/2005	●26	Certificate of Service Filed by U.S. Trustee Ira Bodenstein. (Gulden, Cameron) (Entered: 07/26/2005)
07/27/2005	●27	Hearing Continued (RE: 11 Amended Motion,). Hearing Scheduled for 08/22/2005 at 10:00 AM at Courtroom 613 219 South Dearborn, Chicago, IL, 60604. (Bardliving,Janice) (Entered: 07/27/2005)
07/27/2005	●28	Hearing Set on court's motion to dismiss case . Hearing scheduled for 8/22/2005 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Bardliving-Collister, Janice) (Entered: 07/27/2005)
07/27/2005	●29	Order Scheduling (RE: 1 Voluntary Petition (Chapter 11)). Memorandum due by 8/10/2005.Reply due by: 8/17/2005 Responses due by 8/3/2005. Status hearing to be held on 8/22/2005 at 10:00 AM . Signed on 7/27/2005 (Gomez, Denise) (Entered: 07/28/2005)
08/03/2005	●30	Memorandum Filed by Mark E Leipold on behalf of South Beach Securities, Inc. (RE: 29 Order Scheduling). (Attachments: # 1 Exhibit Exhibit A - South Beach Securities, Inc. Plan of Reorganization# 2 Exhibit Exhibit B -- In re Marsico, 2004 WL 97647 (Bankr. D. N.H. Jan. 5, 2004)) (Leipold, Mark) (Entered: 08/03/2005)
08/04/2005	●31	Certificate of Service Filed by Mark E Leipold on behalf of South Beach Securities, Inc. (RE: 30 Memorandum,). (Leipold, Mark) (Entered: 08/04/2005)
08/10/2005	●32	Memorandum Filed by U.S. Trustee Ira Bodenstein (RE: 29 Order Scheduling). (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C)(Gulden, Cameron) (Entered: 08/10/2005)
08/10/2005	●33	Certificate of Service Filed by U.S. Trustee Ira Bodenstein (RE: 32 Memorandum). (Gulden, Cameron) (Entered: 08/10/2005)
08/17/2005	●34	Reply to (related document(s): 29 Order Scheduling) Filed

		by Mark E Leipold on behalf of South Beach Securities, Inc. (Leipold, Mark) (Entered: 08/17/2005)
08/22/2005	●35	Hearing Continued (RE: [28] Hearing Motion Set). Hearing continued on 8/24/2005 at 10:00 AM . (Bardliving-Collister, Janice) (Entered: 08/22/2005)
08/22/2005	●36	Hearing Continued (RE: 11 Amended Motion,). Hearing scheduled for 8/24/2005 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Bardliving-Collister, Janice) (Entered: 08/22/2005)
08/22/2005	●37	Hearing Continued re:29 . Hearing continued on 8/24/2005 at 10:00 AM . (Bardliving-Collister, Janice) (Entered: 08/22/2005)
08/24/2005	●38	Order Dismissing Case and Denying application for retention. Signed on 8/24/2005 (Re:9),(Re:32) (Gomez, Denise) (Entered: 08/24/2005)
08/24/2005	●39	BNC Certificate of Mailing - Notice of Dismissal (RE: 38 Order Dismissing Case). No. of Notices: 6. Service Date 08/26/2005. (Admin.) (Entered: 08/26/2005)
08/31/2005	●40	Bankruptcy Case Closed . (Sims, Mildred) (Entered: 08/31/2005)
09/06/2005	●41	INCORRECT EVENT ENTERED, FILER NOTIFIED TO REFILEAmended Notice of Appeal Filed by Mark E Leipold on behalf of South Beach Securities, Inc.. (RE: 38 Order Dismissing Case). (Leipold, Mark) Modified on 9/7/2005 (Sims, Mildred). (Entered: 09/06/2005)
09/07/2005	●42	CORRECTIVE ENTRY INCORRECT EVENT ENTERED, FILER NOTIFIED TO REFILE (RE: 41 Amended Notice of Appeal). (Sims, Mildred) (Entered: 09/07/2005)
09/06/2005	●43	Notice of Appeal Filed by Mark E Leipold on behalf of South Beach Securities, Inc.. Fee Amount \$255 (RE: 38 Order Dismissing Case). Appellant Designation due by 9/19/2005. Transmission of Record Due by 10/17/2005. (Leipold, Mark) Modified on 9/7/2005 to correct file date (Sims, Mildred). (Entered: 09/07/2005)

09/07/2005	44	Receipt of Notice of Appeal(05-16679) [appeal,ntcapl] (255.00) Filing Fee. Receipt number 4264007. Fee Amount \$ 255.00 (U.S. Treasury) (Entered: 09/07/2005)
09/07/2005	45	CORRECTIVE ENTRY to correct file date (RE: 43 Notice of Appeal,). (Sims, Mildred) (Entered: 09/07/2005)
09/08/2005	46	Notice of Filing to Bk Judge and Parties on Service List (RE: 43 Notice of Appeal,). (Weston, Carel Dell) (Entered: 09/08/2005)
09/19/2005	47	INCORRECT EVENT ENTERED,FILER NOTIFIED TO REFILE Appellant Designation of Contents for Inclusion in Record and Statement of Issue On Appeal Filed by Mark E Leipold on behalf of South Beach Securities, Inc.. (RE: 43 Notice of Appeal,). (Leipold, Mark) Modified on 9/20/2005 (Barrow, Latonia). (Entered: 09/19/2005)
09/20/2005	48	CORRECTIVE ENTRY INCORRECT EVENT ENTERED,FILER NOTIFIED TO REFILE (RE: 47 Appellant Designation and Statement of Issue,). (Barrow, Latonia) (Entered: 09/20/2005)
09/20/2005	49	Appellant Designation of Contents for Inclusion in Record and Statement of Issue On Appeal Filed by Mark E Leipold on behalf of South Beach Securities, Inc.. (RE: 43 Notice of Appeal,). (Leipold, Mark) (Entered: 09/20/2005)
09/27/2005	50	Appellee Designation of Contents for Inclusion in Record of Appeal Filed by Christopher S Griesmeyer on behalf of Wachovia Securities LLC . (RE: 43 Notice of Appeal,). (Weston, Carel Dell) (Entered: 09/28/2005)
10/17/2005	51	Transmittal of Record to The U.S. District Court. Civil Case Number: 05 C 5957 Assigned to District Court Judge: Kennelly (RE: 43 Notice of Appeal,). (Weston, Carel Dell) (Entered: 10/17/2005)
04/21/2006	52	Certified Order By District Court Judge Matthew F. Kennelly, Re: Appeal on Civil Action Number: 05 C 5957, Dated 04/06/06. For the reasons set forth in the Memorandum Opinion and Order, the Court reverses the bankruptcy court's dismissal of the petition and remands for further proceedings. (RE: 43 Notice of Appeal,). Signed on 4/21/2006 (Weston, Carel Dell) (Entered: 04/25/2006)

05/25/2006	●53	Order Scheduling . Status hearing to be held on 6/14/2006 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. Signed on 5/25/2006 (Molina, Nilsa) (Entered: 05/26/2006)
05/25/2006	●54	Certificate of Service (RE: <u>53</u> Order Scheduling). (Molina, Nilsa) (Entered: 05/26/2006)
06/14/2006	●55	Hearing Continued . <u>53</u> Status Hearing to be held on 6/21/2006 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Castellano, Nancy) (Entered: 06/14/2006)
06/21/2006	●56	Hearing Continued . (Re: <u>53</u> Order Scheduling Case Status Hearing) Status hearing to be held on 7/10/2006 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Castellano, Nancy) (Entered: 06/21/2006)
07/11/2006	●57	Hearing Continued . (Re: <u>53</u> Court's Own Motion for Status Hearing of Chapter 11 Case,) Status hearing to be held on 7/17/2006 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Castellano, Nancy) (Entered: 07/11/2006)
07/17/2006	●58	Hearing Continued . (Re: <u>53</u> Court's Own Motion for Status Hearing of Chapter 11 Case,) Status hearing to be held on 7/31/2006 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Castellano, Nancy) (Entered: 07/17/2006)
07/31/2006	●59	Hearing Continued . (Re: <u>53</u> Court's Own Motion for Status Hearing of Chapter 11 Case,) Status hearing to be held on 8/2/2006 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Green, Josephine) (Entered: 07/31/2006)
08/02/2006	●60	Hearing Continued . Re: <u>53</u> Court's Own Motion for Status Hearing on Chapter 11 Case) Status hearing to be held on 8/21/2006 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Castellano, Nancy) (Entered: 08/02/2006)
08/08/2006	●61	Notice of Motion and Application to Employ Scott R. Clar and the Firm of Crane, Heyman, Simon, Welch & Clar as Attorneys Filed by Scott R Clar on behalf of South Beach

		Securities, Inc.. Hearing scheduled for 8/21/2006 at 09:30 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Affidavit Affidavit to Employ Scott Clar# 2 Proposed Order Employing Crane, Heyman, Simon, Welch & Clar) (Clar, Scott) (Entered: 08/08/2006)
08/18/2006	62	INCORRECT PDF, FILER NOTIFIED TO REFILE Summary of Cash Receipt and Disbursement for Filing Period Ending April 30, 2005 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) Modified on 8/24/2006 (Sims, Mildred). (Entered: 08/18/2006)
08/18/2006	63	Summary of Cash Receipt and Disbursement for Filing Period Ending May 31, 2005 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 08/18/2006)
08/18/2006	64	Summary of Cash Receipt and Disbursement for Filing Period Ending June 30, 2005 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 08/18/2006)
08/18/2006	65	Summary of Cash Receipt and Disbursement for Filing Period Ending July 31, 2005 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 08/18/2006)
08/18/2006	66	Summary of Cash Receipt and Disbursement for Filing Period Ending August 31, 2005 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 08/18/2006)
08/18/2006	67	Summary of Cash Receipt and Disbursement for Filing Period Ending September 30, 2005 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 08/18/2006)
08/18/2006	68	Summary of Cash Receipt and Disbursement for Filing Period Ending October 31, 2005 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 08/18/2006)
08/18/2006	69	Summary of Cash Receipt and Disbursement for Filing Period Ending November 30, 2005 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 08/18/2006)

08/18/2006	70	Summary of Cash Receipt and Disbursement for Filing Period Ending December 31, 2005 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 08/18/2006)
08/18/2006	71	Summary of Cash Receipt and Disbursement for Filing Period Ending January 31, 2006 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 08/18/2006)
08/18/2006	72	Summary of Cash Receipt and Disbursement for Filing Period Ending February 28, 2006 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 08/18/2006)
08/18/2006	73	Summary of Cash Receipt and Disbursement for Filing Period Ending March 31, 2006 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 08/18/2006)
08/18/2006	74	Summary of Cash Receipt and Disbursement for Filing Period Ending April 30, 2006 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 08/18/2006)
08/18/2006	75	Summary of Cash Receipt and Disbursement for Filing Period Ending May 31, 2006 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 08/18/2006)
08/21/2006	76	Hearing Continued . (RE: 53 Court's Own Motion for Status Hearing on Chapter 11 Case) Status hearing to be held on 9/25/2006 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Beckerman, Steve) (Entered: 08/21/2006)
08/21/2006	77	Summary of Cash Receipt and Disbursement for Filing Period Ending April 30, 2005 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 08/21/2006)
08/21/2006	78	Order Granting Application to Employ Scott R Clar and the law firm of Crane Heyman Simon Welch & Clar for South Beach Securities, Inc., as of August 2, 2006. (Related Doc # 61). Signed on 8/21/2006. (Gomez, Denise) (Entered: 08/22/2006)

08/24/2006	●79	CORRECTIVE ENTRY INCORRECT PDF, FILER NOTIFIED TO REFILE (RE: 62 Summary of Cash Receipt and Disbursement). (Sims, Mildred) (Entered: 08/24/2006)
08/24/2006	●80	Amended Affidavit Filed by Scott R Clar on behalf of South Beach Securities, Inc. (RE: 61 Application to Employ,). (Clar, Scott) (Entered: 08/24/2006)
08/24/2006	●81	Notice of Filing Filed by Scott R Clar on behalf of South Beach Securities, Inc. (RE: 80 Affidavit). (Clar, Scott) (Entered: 08/24/2006)
09/18/2006	●82	Notice of Motion and Routine Motion Rule 2004 Examination of Leon Greenblatt Filed by William T Neary Hearing scheduled for 9/25/2006 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Gulden, Cameron) (Entered: 09/18/2006)
09/21/2006	●83	Chapter 11 Plan of Reorganization. Unsecured Creditors to be paid unknown percent. Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 09/21/2006)
09/21/2006	●84	Notice of Filing Filed by Scott R Clar on behalf of South Beach Securities, Inc. (RE: 83 Chapter 11 Plan). (Clar, Scott) (Entered: 09/21/2006)
09/25/2006	●85	Hearing Set for status on Chapter 11 Case (RE: 83 Chapter 11 Plan). Status hearing to be held on 11/6/2006 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Miller, Myrtle) (Entered: 09/25/2006)
09/25/2006	●86	Order Granting Motion for Rule 2004 (Related Doc # 82). Signed on 9/25/2006. (Gomez, Denise) (Entered: 09/26/2006)
09/25/2006	●87	Notice of Hearing on U S Trustee's Motion to Convert or Dismiss Case Filed by M Gretchen Silver on behalf of Ira Bodenstein . Hearing scheduled for 11/6/2006 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Gomez, Denise) (Entered: 09/26/2006)
09/26/2006	●88	BNC Certificate of Service - Hearing. (RE: 87 Notice of Hearing on U S Trustee's Motion to Convert or Dismiss,). No. of Notices: 12. Service Date 09/28/2006. (Admin.) (Entered: 09/26/2006)

		09/28/2006)
10/18/2006	●89	Disclosure Statement Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Attachments: # 1 Exhibit A)(Clar, Scott) (Entered: 10/18/2006)
10/18/2006	●90	Notice of Filing Filed by Scott R Clar on behalf of South Beach Securities, Inc. (RE: 89 Disclosure Statement). (Clar, Scott) (Entered: 10/18/2006)
10/24/2006	●91	Notice of Motion and Motion to Set Hearing Adequacy of Disclosure Statement and Confirmation of Plan. Filed by Scott R Clar on behalf of South Beach Securities, Inc.. Hearing scheduled for 11/1/2006 at 09:30 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order Combining Hearing Date for Debtor's Disclosure Statement and Confirmation of Plan) (Clar, Scott) (Entered: 10/24/2006)
11/01/2006	●92	Order Granting Motion To Set Hearing (Related Doc # 91). Ballots/Acceptance or Rejection to Plan due by: 1/12/2007. Confirmation hearing to be held on 1/17/2007 at 10:00 AM . Disclosure hearing to be held on 1/17/2007 at 10:00 AM . Last day to Object to Confirmation 1/9/2007. Last day to oppose disclosure statement is 1/9/2007. Signed on 11/1/2006. (Gomez, Denise) (Entered: 11/02/2006)
11/06/2006	●93	Hearing Continued (RE: [85] Hearing Ch 11 Plan or Reorganization and Hrg on Adequacy of Disclosure Statement, 87 Notice of Hearing on U S Trustee's Motion to Convert or Dismiss,). Hearing continued on 1/17/2007 at 10:00AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Miller, Myrtle) (Entered: 11/06/2006)
11/06/2006	●94	Certificate of Service Filed by Scott R Clar on behalf of South Beach Securities, Inc. (RE: 91 Motion to Set Hearing,). (Clar, Scott) (Entered: 11/06/2006)
11/06/2006	●95	Order Scheduling on Combined Hearing (RE: 91 Motion to Set Hearing,). Ballots/Acceptance or Rejection to Plan due by: 1/9/2007. Confirmation hearing to be held on 1/17/2007 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. Disclosure hearing to be held on 1/17/2007 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. Last day to Object to

		Confirmation 1/9/2007. Last day to oppose disclosure statement is 1/9/2007. Signed on 11/6/2006 (Green, Charlie) (Entered: 11/07/2006)
11/13/2006	96	Order Vacating Order as entered in error (RE: 95 Order Scheduling, ,). Signed on 11/13/2006 (Green, Charlie) (Entered: 11/14/2006)
01/03/2007	97	INCORRECT/INCOMPLETE PDF, FILER NOTIFIED TO REFILE Supplemental Statement of Financial Affairs Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) Modified on 1/11/2007 (Weston, Carel Dell). (Entered: 01/03/2007)
01/04/2007	98	Notice of Motion and Motion to Extend Time to File Objection to Debtor's Plan and Disclosure Statement Filed by William T Neary Hearing scheduled for 1/8/2007 at 09:30 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Gulden, Cameron) (Entered: 01/04/2007)
01/08/2007	99	Chapter 11 Ballot. Holder of a Class 1 claim in the amount of \$3,297,489.00 votes to Accept Plan of Reorganization Filed by Mark E Leipold on behalf of South Beach Securities, Inc.. (Leipold, Mark) (Entered: 01/08/2007)
01/09/2007	100	Chapter 11 Ballot. Holder of a Class 1 claim in the amount of \$3,297,489.00 votes to Accept Plan of Reorganization Filed by Mark E Leipold on behalf of Scattered Corporation. (Leipold, Mark) (Entered: 01/09/2007)
01/09/2007	101	Amended Certificate of Service Filed by Mark E Leipold on behalf of Scattered Corporation (RE: 100 Chapter 11 Ballot). (Leipold, Mark) (Entered: 01/09/2007)
01/09/2007	102	Report of Balloting Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Attachments: # 1 Exhibit A) (Clar, Scott) (Entered: 01/09/2007)
01/09/2007	103	Notice of Filing Filed by Scott R Clar on behalf of South Beach Securities, Inc. (RE: 102 Report of Balloting). (Clar, Scott) (Entered: 01/09/2007)
01/08/2007	104	Order Granting Motion to Extend Time to 01/12/2007(Related

		Doc # 98). Signed on 1/8/2007. (Gomez, Denise) (Entered: 01/09/2007)
01/11/2007	●105	CORRECTIVE ENTRY INCORRECT/INCOMPLETE PDF, FILER NOTIFIED TO REFILE (RE: <u>97</u> Statement of Financial Affairs). (Weston, Carel Dell) (Entered: 01/11/2007)
01/12/2007	●106	Objection to Confirmation of Plan Filed by U.S. Trustee William T. Neary (RE: <u>83</u> Chapter 11 Plan). (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H)(Gulden, Cameron) (Entered: 01/12/2007)
01/16/2007	●107	List of Exhibits, List of Witnesses Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 01/16/2007)
01/16/2007	●108	Notice of Filing Filed by Scott R Clar on behalf of South Beach Securities, Inc. (RE: <u>107</u> List of Exhibits, List of Witnesses). (Clar, Scott) (Entered: 01/16/2007)
01/16/2007	●109	Notice of Motion and Motion to Exclude Exhibits E, G and H. Filed by Scott R Clar on behalf of South Beach Securities, Inc.. Hearing scheduled for 1/24/2007 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # (1) Proposed Order Excluding Certain of the U.S. Trustee's Exhibits) (Clar, Scott) (Entered: 01/16/2007)
01/16/2007	●110	Amended List of Exhibits, List of Witnesses Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 01/16/2007)
01/16/2007	●111	Notice of Filing Filed by Scott R Clar on behalf of South Beach Securities, Inc. (RE: <u>110</u> List of Exhibits, List of Witnesses). (Clar, Scott) (Entered: 01/16/2007)
01/17/2007	●112	Appearance Filed by Gregory J Jordan on behalf of Leon Greenblatt. (Jordan, Gregory) (Entered: 01/17/2007)
01/17/2007	●113	Order Scheduling (RE: <u>106</u> Trustee's Objection to Confirmation of Plan,). Reply due by: 3/7/2007 Responses due by 2/14/2007 Surreplies due by 03/21/2007. Signed on 1/17/2007 (Gomez, Denise) (Entered: 01/19/2007)

01/18/2007	●114	Certificate of Service (RE: 113 Order Scheduling). (Gomez, Denise) (Entered: 01/19/2007)
01/18/2007	●115	Order the court orders the debtor to serve the Internal Revenue Service with copies of the proposed plan and disclosure statement. Service must be accomplished no later than 01/26/2007 with proof of service. Signed on 1/18/2007 (Gomez, Denise) (Entered: 01/22/2007)
01/24/2007	●116	Order Denying Motion To Exclude (Related Doc # 109). Signed on 1/24/2007. (Gomez, Denise) (Entered: 01/24/2007)
01/26/2007	●117	Certificate of Service Filed by Scott R Clar on behalf of South Beach Securities, Inc. (RE: 89 Disclosure Statement, 83 Chapter 11 Plan). (Clar, Scott) (Entered: 01/26/2007)
02/14/2007	●118	Response to (related document(s): 89 Disclosure Statement) Filed by Scott R Clar on behalf of South Beach Securities, Inc. (Clar, Scott) Modified on 2/15/2007 to create related document #106 (Sims, Mildred). (Entered: 02/14/2007)
02/14/2007	●119	Notice of Filing Filed by Scott R Clar on behalf of South Beach Securities, Inc. (RE: 118 Response). (Clar, Scott) (Entered: 02/14/2007)
02/15/2007	●120	CORRECTIVE ENTRY to create related document #106 (RE: 118 Response). (Sims, Mildred) (Entered: 02/15/2007)
03/07/2007	●121	Reply to (related document(s): 118 Response) Filed by Cameron M Gulden on behalf of William T. Neary (Gulden, Cameron) (Entered: 03/07/2007)
03/14/2007	●122	Notice of Motion and Motion To Substitute Attorney Filed by Thomas C. Wolford on behalf of Scattered Corporation. Hearing scheduled for 3/28/2007 at 09:30 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Exhibit # 2 Proposed Order) (Wolford, Thomas) (Entered: 03/14/2007)
03/16/2007	●123	Attachment(s) Proposed Order Filed by Thomas C. Wolford on behalf of Scattered Corporation (RE: 122 Motion to Substitute Attorney,). (Wolford, Thomas) (Entered: 03/16/2007)

03/21/2007	●124	Sur Reply in Support to (related document(s): 118 Response) Filed by Scott R Clar on behalf of South Beach Securities, Inc. (Clar, Scott) (Entered: 03/21/2007)
03/21/2007	●125	Notice of Filing Filed by Scott R Clar on behalf of South Beach Securities, Inc. (RE: 124 Sur Reply). (Clar, Scott) (Entered: 03/21/2007)
03/21/2007	●126	Amended Sur Reply to (related document(s): 118 Response) Filed by Scott R Clar on behalf of South Beach Securities, Inc. (Clar, Scott) (Entered: 03/21/2007)
03/21/2007	●127	Notice of Filing Filed by Scott R Clar on behalf of South Beach Securities, Inc. (RE: 126 Sur Reply). (Clar, Scott) (Entered: 03/21/2007)
03/28/2007	●128	Order Granting Motion to Substitute Attorney adding Louis D Bernstein for Scattered Corporation, Thomas C. Wolford for Scattered Corporation, terminating Mark E Leipold and Thomas C. Wolford. (Related Doc # 122). Signed on 3/28/2007. (Gomez, Denise) (Entered: 03/29/2007)
10/30/2007	●129	Notice of Motion and Motion to Approve Requesting Ruling or in the Alternative Status Hearing Filed by Louis D Bernstein on behalf of Scattered Corporation. Hearing scheduled for 11/14/2007 at 09:30 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Exhibit # 2 Proposed Order) (Bernstein, Louis) (Entered: 10/30/2007)
11/01/2007	●130	Memorandum Opinion (RE: 83 Chapter 11 Plan). (Gomez, Denise) (Entered: 11/01/2007)
11/01/2007	●131	Order Denying Confirmation of Chapter 11 Plan and case is set for status hearing on 11/21/2007 at 10:00 AM (RE: 83 Chapter 11 Plan)(Re: #130). Signed on 11/1/2007 (Gomez, Denise) (Entered: 11/01/2007)
11/01/2007	●132	Certificate of Service (RE: 130 Memorandum Opinion, 131 Order Denying Confirmation of Chapter 11 Plan). (Gomez, Denise) (Entered: 11/01/2007)
11/01/2007	●133	Hearing Set (RE: 1 Status Hearing Re: Voluntary Petition (Chapter 11)). Status hearing to be held on 11/21/2007 at

		10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Enriquez, Nancy) (Entered: 11/01/2007)
11/05/2007	●134	Notice of Motion and Motion to Dismiss Case Filed by William T. Neary Hearing scheduled for 11/21/2007 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # <u>1</u> Proposed Order) (Gulden, Cameron) (Entered: 11/05/2007)
11/08/2007	●135	Notice of Appeal with Motion for Leave to Appeal Filed by Scott R Clar on behalf of South Beach Securities, Inc.. Fee Amount \$255 (RE: <u>131</u> Order Denying Confirmation of Chapter 11 Plan). (Attachments: # <u>1</u> Exhibit A&B# <u>2</u> Appendix Motion for Leave to File Appeal)(Clar, Scott) (Entered: 11/08/2007)
11/08/2007	136	Receipt of Notice of Appeal with Motion for Leave to Appeal (05-16679) [appeal,ntcapml] (255.00) Filing Fee. Receipt number 7863023. Fee Amount \$ 255.00 (U.S. Treasury) (Entered: 11/08/2007)
11/08/2007	●137	Notice of Filing and Motion for Leave to Appeal Filed by Colleen E McManus on behalf of Scattered Corporation. Transmission of Record Due by 11/19/2007. (Attachments: # <u>1</u> Proposed Order) (McManus, Colleen) (Entered: 11/08/2007)
11/08/2007	●138	Notice of Filing Filed by Scott R Clar on behalf of South Beach Securities, Inc. (RE: <u>135</u> Notice of Appeal with Motion for Leave to Appeal,). (Clar, Scott) (Entered: 11/08/2007)
11/08/2007	●139	Notice of Appeal to District Court. Filed by Colleen E McManus on behalf of Scattered Corporation. Fee Amount \$255 (RE: <u>131</u> Order Denying Confirmation of Chapter 11 Plan). Appellant Designation due by 11/19/2007. Transmission of Record Due by 12/18/2007. (Attachments: # <u>1</u> Exhibit A&B)(McManus, Colleen) (Entered: 11/08/2007)
11/08/2007	140	Receipt of Notice of Appeal(05-16679) [appeal,ntcapl] (255.00) Filing Fee. Receipt number 7863353. Fee Amount \$ 255.00 (U.S. Treasury) (Entered: 11/08/2007)
11/08/2007	●141	Notice of Filing Filed by Colleen E McManus on behalf of Scattered Corporation (RE: <u>139</u> Notice of Appeal,). (McManus, Colleen) (Entered: 11/08/2007)

11/13/2007	●142	Notice of Filing to Bk Judge and Parties on Service List (RE: <u>135</u> Notice of Appeal with Motion for Leave to Appeal,). (Weston, Carel Dell) (Entered: 11/13/2007)
11/13/2007	●143	Notice of Filing to Bk Judge and Parties on Service List (RE: <u>139</u> Notice of Appeal,). (Weston, Carel Dell) (Entered: 11/13/2007)
11/13/2007	●144	Notice of Filing to Bk Judge and Parties on Service List (RE: <u>137</u> Notice of Filing and Motion for Leave to Appeal) . (Weston, Carel Dell) (Entered: 11/13/2007)
11/13/2007	●145	INCORRECT EVENT ENTERED, FILER NOTIFIED TO REFILE Notice Amended Notice of Appeal Filed by Louis D Bernstein on behalf of Scattered Corporation (RE: <u>139</u> Notice of Appeal,). (Bernstein, Louis) Modified on 11/14/2007 (Weston, Carel Dell). (Entered: 11/13/2007)
11/14/2007	●146	CORRECTIVE ENTRY INCORRECT EVENT ENTERED, FILER NOTIFIED TO REFILE (RE: <u>145</u> Notice). (Weston, Carel Dell) (Entered: 11/14/2007)
11/14/2007	●147	Summary of Cash Receipt and Disbursement for Filing Period Ending October 31, 2007 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 11/14/2007)
11/14/2007	●148	Summary of Cash Receipt and Disbursement for Filing Period Ending September 30, 2007 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 11/14/2007)
11/14/2007	●149	Summary of Cash Receipt and Disbursement for Filing Period Ending August 31, 2007 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 11/14/2007)
11/14/2007	●150	Receipt of Notice of Appeal Fee- \$5.00 by SD. Receipt Number 03160840. Payment received from Greenblatt. (Entered: 11/15/2007)
11/14/2007	●151	Receipt of Docketing of Appeal Fee- \$250.00 by SD. Receipt Number 03160840. Payment received from Greenblatt. (Entered: 11/15/2007)

11/15/2007	●152	Summary of Cash Receipt and Disbursement for Filing Period Ending October 31, 2007 Filed by Scott R Clar on behalf of South Beach Securities, Inc.. (Clar, Scott) (Entered: 11/15/2007)
11/14/2007	●153	Notice of Filing and Motion for Leave to Appeal (related document(s): 131 Order Denying Confirmation of Chapter 11 Plan) Filed by Leon Greenblatt . Transmission of Record Due by 11/26/2007. (Weston, Carel Dell) (Entered: 11/15/2007)
11/14/2007	●154	Notice of Appeal to District Court. Filed by Leon Greenblatt . Fee Amount \$255 (RE: 131 Order Denying Confirmation of Chapter 11 Plan). Appellant Designation due by 11/26/2007. Transmission of Record Due by 12/24/2007. (Weston, Carel Dell) (Entered: 11/15/2007)
11/15/2007	●155	Notice of Filing to Bk Judge and Parties on Service List (RE: 153 Notice of Filing and Motion for Leave to Appeal) . (Weston, Carel Dell) (Entered: 11/15/2007)
11/15/2007	●156	Notice of Filing to Bk Judge and Parties on Service List (RE: 154 Notice of Appeal,). (Weston, Carel Dell) (Entered: 11/15/2007)
11/14/2007	●157	Order Striking Motion to Approve (Related Doc # 129). Signed on 11/14/2007. (Gomez, Denise) (Entered: 11/16/2007)
08/31/2005		Deadlines terminated., Motions terminated. (RE: 9 Application to Employ,, 11 Amended Motion,). (Sims, Mildred) (Entered: 08/31/2005)
08/21/2006		Bankruptcy Case Reopened . (Weston, Carel Dell) Modified on 3/6/2007 to add see entry #52 (Sims, Mildred). (Entered: 08/21/2006)
08/21/2006		Flags Set-Reset . (Weston, Carel Dell) (Entered: 08/21/2006)
08/21/2006		Flags Set-Reset . (Weston, Carel Dell) (Entered: 08/21/2006)
11/07/2006		Reopen Document (RE: 91 Motion to Set Hearing,). (Green, Charlie) (Entered: 11/07/2006)
12/12/2006		Motions terminated (RE: 91 Motion to Set Hearing,). (Gomez,

		Denise) (Entered: 12/12/2006)
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This is to certify that the within and attached document is a full, true and correct copy of the original thereof as the same appears on file in the office of the Clerk of the United States Bankruptcy Court for the Northern District of Illinois.

KENNETH S. GARDNER
CLERK OF COURT
By Carl Kell
Deputy Clerk
Dated 11-19-07

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:)	Case No. 05-16679
South Beach Securities, Inc.)	
a Mississippi corporation,)	Bankruptcy Judge A. Benjamin Goldgar
)	
debtor/debtor-in-possession.)	Chapter 11

MOTION FOR LEAVE TO FILE APPEAL

TO THE HONORABLE JUDGE A. BENJAMIN GOLDGAR, UNITED STATES
BANKRUPTCY JUDGE:

NOW COMES South Beach Securities, Inc., a Mississippi corporation, debtor/debtor-in possession herein ("Debtor"), and for its Motion for Leave to File Appeal of the Order Denying Confirmation dated November 1, 2007, pursuant to Rules 8001(b) and 8003(a) of the Federal Rules of Bankruptcy Procedure, respectfully states as follows:

I.

**STATEMENT OF THE FACTS NECESSARY TO AN UNDERSTANDING
OF THE QUESTIONS TO BE PRESENTED BY THE APPEAL**

1. On April 27, 2005, the Debtor filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code (the "Petition Date").
2. The Debtor managed its financial affairs as Debtor-in Possession from and after the Petition Date.
3. On September 21, 2006, the Debtor filed its Plan of Reorganization ("Plan"), and on October 18, 2006, the Debtor filed a Disclosure Statement in connection therewith.
4. The combined hearing on the Plan and Disclosure Statement was held on January 17, 2007.
5. On November 1, 2007, this Court entered an Order Denying Confirmation of the Plan, accompanied by a Memorandum Opinion (the "Order Denying Confirmation"), finding that: 1) the Plan did not satisfy the requirement of Section 1129(a)(10); and 2) that

the Plan violated Section 1129(d) because its principal purpose was the avoidance of taxes.

6. The Order Denying Confirmation is not a final order. See McConnell vs. NWA Credit Union (In Re McConnell), 303 B.R. 169 (B.A.P. 8th Cir. 2003). By this Motion, the Debtor requests Leave to Appeal from this Court's Interlocutory Order Denying Confirmation.

7. The United States has a Motion to Dismiss the Debtor's Chapter 11 Case scheduled for hearing on November 21, 2007 at 10:00 a.m.

II.

STATEMENT OF QUESTIONS PRESENTED BY THE APPEAL AND RELIEF SOUGHT

8. The Bankruptcy Court erred in its interpretation of 11 U.S.C. Section 1129(a)(10) as to the requirement that an impaired non-insider class that accept the Plan, where the Debtor has no non-insider creditors.

9. The Bankruptcy Court also erred in its interpretation of the Debtor's Plan as solely for the purpose of tax avoidance, and therefore in violation of 11 U.S.C. Section 1129(d).

10. The Bankruptcy Court committed reversible error by admitting and relying upon the transcript of the deposition of Leon A. Greenblatt III into evidence (the "Transcript"), over the objection of Debtor's counsel.

III.

STATEMENT OF REASONS WHY APPEAL SHOULD BE GRANTED

11. The Appeal should be granted for the reasons stated previously.

12. Section 1129(a)(10) of the Bankruptcy Code was enacted to protect the interests of non-insider creditors from plans which relied upon impaired, approving insider claims for confirmation, over and above the objections of other impaired claim holders.

13. Section 1129(d) of the Bankruptcy Code was inappropriately utilized by the Bankruptcy Court in denying confirmation, in conflict with the testimony elicited at trial.

14. The Transcript was admitted into evidence, despite the fact that it was not used to impeach Leon A. Greenblatt III as a witness, and Leon A. Greenblatt III was available. The United States Trustee did not overcome the Debtor's objection to the admissibility of the Transcript.

WHEREFORE, South Beach Securities, Inc., a Mississippi corporation, Debtor herein, prays for the entry of an Order authorizing leave to appeal the interlocutory order of this Court denying confirmation dated November 1, 2007 and for such other and further relief as is just and equitable.

Respectfully submitted,

South Beach Securities, Inc.,
debtor/debtor-in-possession

By: /s/Scott R Clar
One of its Attorneys

Attorneys for the Debtor

Scott R. Clar (Atty. No. 06183741)
CRANE, HEYMAN, SIMON, WELCH & CLAR
135 S. LaSalle St., Ste. 3705
Chicago, IL 60603
312-641-6777

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

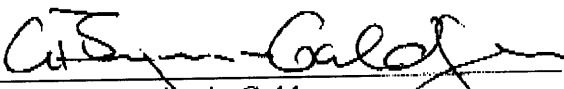
In re:) Chapter 11
)
SOUTH BEACH SECURITIES, INC.,) No. 05 B 16679
)
Debtor.) Judge Goldgar

ORDER DENYING CONFIRMATION OF PLAN

This matter is before the court for ruling following an evidentiary hearing on the adequacy of the disclosure statement of debtor South Beach Securities, Inc. and confirmation of the debtor's proposed plan of reorganization. For the reasons stated in the court's memorandum opinion dated today, IT IS HEREBY ORDERED:

1. Confirmation of the plan is DENIED.
2. This case is set for a status hearing on November 21, 2007, at 10:00 a.m.

Dated: November 1, 2007


A. Benjamin Goldgar
United States Bankruptcy Judge